

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
The Use of N11 Codes and Other)
Abbreviated Dialing Arrangements)
_____)

CC Docket No. 92-105

COMMENTS

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DATE: June 5, 1992

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Exhibit 1 - IILC Issue Identification Form

SUMMARY

BellSouth Telecommunications, Inc. ("BellSouth") strongly supports the tentative conclusions reached by the Commission in this proceeding. BellSouth continues to believe that the availability of local abbreviated dialing service arrangements will facilitate the development and introduction of information services to the public.

BellSouth supports the Commission's decision to restrict this proceeding to specific issues associated with the use and assignment of N11 codes. BellSouth supports the Commission's decision for public policy reasons not to disturb the use of N11 for emergency services or the use of 411 for directory services that are classified as basic or adjunct to basic services. BellSouth concurs in the Commission's tentative conclusion that 611 and 811 should also be made available for abbreviated dialing services where a LEC does not currently use those codes for a purpose designated by the North American Numbering Plan Administrator (Bellcore).

As to the possible recall of N11 service codes, BellSouth supports a six month public notice requirement, including an automatic public comment cycle after which the Commission would issue an order either affirming or denying the recall within 60 days of the initial public notice. However, BellSouth is hopeful that for a number of reasons

it will not become necessary for the industry to use a N11 code for a NPA.

BellSouth knows of no other currently available or short-term technological solutions to the scarcity of N11 codes. Rather than mandating the accelerated delivery of a particular solution, BellSouth urges the Commission to facilitate expedited industry efforts to develop a solution through an appropriate industry forum such as the IILC.

BellSouth strongly supports the Commission's tentative conclusion that LECs should be permitted to select any reasonable allocation mechanism for assigning N11 service codes. This conclusion is consistent with well established legal precedent.

Finally, the appropriate regulator rather than the LEC should determine whether for public policy reasons specific circumstances warrant the granting of a preferential assignment of an abbreviated dialing service code.

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COMMENTS

BellSouth Corporation, on behalf of its telephone operating company, BellSouth Telecommunications, Inc. ("BellSouth"), files these comments in response to the Notice of Proposed Rulemaking (NPRM) released in the above docket on May 6, 1992.

I. INTRODUCTION

Having been responsible for first bringing this issue to the Commission, BellSouth is pleased that the Commission considers the matter of sufficient industry importance to initiate a formal rulemaking proceeding on the regulatory and public policy issues raised by BellSouth's service proposal. BellSouth would also like to thank the Commission for providing the additional guidance in the NPRM and in the letter from the Commission's General Counsel, Robert L. Pettit, that will allow BellSouth and interested customers to proceed with BellSouth's service proposal. Of course, any number assignment made under that service proposal will be subject to the outcome of any rules the Commission may adopt in this proceeding, and BellSouth customers accepting such number assignments will do so at their own risk as

indicated in the NPRM.¹

II. SPECIFIC COMMENTS

For convenience, BellSouth will address the issues raised by the Commission in the same order in which they appear in the NPRM.

A. Scope Of NPRM

The Commission has expressed its intention to restrict this proceeding to the specific questions associated with the use and assignment of N11 codes, noting that the Commission will likely take up broader numbering issues, such as those raised in connection with the NARUC Petition, in a separate proceeding.²

BellSouth concurs in the Commission's decision to restrict this proceeding to specific issues associated with N11 codes. However, BellSouth strongly encourages the Commission to initiate, as soon as possible, separate proceedings to address other numbering issues raised in the NARUC Petition and industry efforts to develop uniform guidelines for the assignment of NXX codes, as previously discussed in the comments filed by BellSouth on the NARUC Petition.³

BellSouth also concurs in the Commission's decision not

¹ NPRM at n.1.

² NPRM at para. 11 and n.5.

³ In the Matter of Administration of the North American Numbering Plan, DA 91-1307, filed September 26, 1991 and Comments of BellSouth Corporation, filed December 20, 1991.

to disturb the use of 911 for emergency services or the use of 411 for directory information services that are classified as basic or adjunct to basic services, even if those numbers are not presently used in some geographic areas for those purposes.⁴ There are obvious and overriding public interest reasons for continuing to use these codes for such purposes. The continued use of 411 and 911 codes for basic directory services and emergency services, respectively, promotes customer convenience and the universality of public access to these critically important basic local exchange telephone services.

B. Use Of 411 For Information/Enhanced Services

Observing that some exchange carriers may be planning to use 411 for service offerings that would be classified as enhanced services, the Commission asks whether the 411 codes should be restricted to the provision of directory assistance information that is classified as basic or adjunct to basic.⁵

While BellSouth currently has no plans to use 411 in this manner, local exchange carriers (LECs) should have the business option of offering enhanced services along with basic directory services via 411 dialing, subject to appropriate nonstructural regulatory safeguards.

⁴ NPRM at para. 11.

⁵ Id.

C. N11 Codes Available For Local Abbreviated Dialing Services

BellSouth concurs in the Commission's tentative conclusion that 211, 311, 511, and 711 should be available for abbreviated dialing, and that 611 and 811 should also be available for such purpose wherever a LEC does not currently use those codes for the purposes permitted by Bellcore.⁶

BellSouth also believes that the Commission should not require the return of any 611 or 811 codes that are currently being used by a LEC for other basic exchange functions. The continued use of 611 and 811 by LECs for the purpose of repair and business office access, respectively, as designated under the North American Numbering Plan (NANP), serves an important public purpose and should be allowed to continue. This is true even though some LECs, including BellSouth, will be able to make one or both of these codes available for abbreviated dialing service arrangements in particular areas where they are not currently being used by the LEC.

D. Possible Recall Of N11 Codes

BellSouth also concurs in the Commission's tentative conclusion that the above N11 codes should be available for

⁶ NPRM at para. 12. However, the Commission's proposed rule as set forth in Section 64.1401(a) of APPENDIX A of the NPRM should be modified to clarify that LECs are only required to make abbreviated dialing service arrangements available for local dialing in those geographic areas (e.g., local dialing exchange calling areas) where there is sufficient market demand to economically deploy the service.

abbreviated dialing service arrangements unless and until it is demonstrated that it is necessary to use those codes as area codes.⁷ If recall is necessary for this purpose, BellSouth continues to support a six (6) month public notice requirement.

BellSouth further suggests that upon issuance of such public notice, any LEC offering three-digit dialing services should send written notice of such public notice to all three-digit dialing customers within some time frame specified by the Commission (e.g., 30 days). Furthermore, the Commission should immediately put such notice out for expedited public comment, after which it should issue an order within 60 days of the initial public notice either affirming or denying the recall. If the recall is affirmed by the Commission, affected customers and LECs would be required to return the N11 code to the NANP Administrator within six (6) months of the date of the initial public notice.

In any event, BellSouth is reasonably hopeful that it will not become necessary for the industry to use a N11 code as a NPA. A preliminary investigation of the feasibility of using N11 codes as geographic NPAs to forestall NANP exhaust indicates that some switches may require generic modifications before this could occur. There is some question as to whether such switch modifications could be

⁷ NPRM at para. 13.

developed and deployed in sufficient time to provide meaningful relief prior to implementation of interchangeable NPAs in 1995. Furthermore, the extent to which a dialing conflict exists when a N11 code is used simultaneously for a NPA and for local abbreviated dialing services may be limited to only a few geographic areas.

Furthermore, as the Commission points out in the NPRM, the NANP Administrator's current plans call for the assignment of N00 codes as area codes prior to the assignment of N11 codes.⁸ Therefore, it may not be necessary to recall any N11 codes, since there are already a number of N00 codes reserved and available for use as NPAs should they be needed prior to implementation of interchangeable NPAs in January, 1995.

E. Scope Of N11 Use

The Commission seeks comment on whether three-digit dialing should be available for purposes other than enhanced services.⁹ BellSouth sees no reason for the Commission to limit three-digit dialing specifically to enhanced services. However, the Commission should be mindful of the fact that it is meaningless to assign a three-digit code unless that assignment is in association with a specific local service offering, such as the three-digit local exchange dialing service BellSouth plans to offer in its local calling areas.

⁸ NPRM at para. 8.

⁹ NPRM at para. 14.

While such a local offering need not be limited to ESPs only, it will be filed in state tariffs which will continue to include the normal local exchange tariff restrictions on certain uses (e.g., the restriction prohibiting the use of local exchange services as a substitute for interexchange carrier access services).

N11 codes are valuable public numbering resources and should remain in the public domain. In this regard, N11 codes should be treated in the same manner as other telephone numbers and NANP dialing codes. For example, while access customers do not "own" carrier identification (CIC) codes, those codes can be freely transferred from one entity to another in connection with mergers and acquisitions. N11 codes should be treated in the same manner, subject to the one code per entity per local calling area limitation identified below in Section I. of these comments.

F. Alternative Abbreviated Dialing Arrangements

The Commission seeks comment on whether any new network features or functions are now, or might soon be, available that could offer technological solutions to the scarcity of N11 codes.¹⁰

BellSouth knows of no other currently available technological solutions to the scarcity of N11 codes. As indicated in BellSouth's N11 Petition, BellSouth has

¹⁰ NPRM at para. 16.

continued to investigate the possible use of other alternative abbreviated dialing arrangements such as *XXX and NXX#.¹¹ However, to date, such investigation has yielded no short-term readily available solution. For example, while the NXX# option originally appeared to hold promise as a technical option,¹² the NXX# code arrangement will not currently work with certain switch types without further switch software development and modifications.

Similar switch software development and modifications would be needed to implement other abbreviated dialing arrangements.

The Commission also invites comment on the feasibility of requiring that other abbreviated dialing arrangements, such as the above, be made quickly available in lieu of or in addition to requiring LECs to make some N11 codes available.¹³

Based on the information currently available to BellSouth, alternatives to N11 abbreviated dialing do not appear to be feasible in the short-term. The switch software development process is normally incapable of

¹¹ NPRM at para. 19 and n.4.

¹² Under this option, approximately 792 NXX# service codes would be available for assignment and there would not appear to be any dialing conflict if one of those three-digit numbers were used as a NPA, SAC or central office code. However, it is not always technically feasible to use this dialing sequence on rotary (dial pulse) phones.

¹³ NPRM at para. 19.

producing switch software modifications at a reasonable cost in a short period of time (i.e., less than two years).

Given the facts, BellSouth supports the acceleration of efforts to reach industry consensus on what is the most desirable and cost effective long-term solution for meeting the information services market need for local abbreviated dialing. On April 23, 1992, in an effort to advance that process, BellSouth submitted to the Information Industry Liaison Committee (IILC) a new issue statement entitled Local Calling Area Abbreviated Dialing Access To Information And Enhanced Services. A copy of that issue statement, with proposed modifications from the floor, is attached hereto as Exhibit 1. This issue is pending at the IILC until a non-LEC issue co-champion volunteers to work the issue with BellSouth. BellSouth encourages other interested information service providers to participate in this IILC process and urges the Commission to formally endorse the submission of this issue to the IILC for further action.

G. Allocation Methods

The Commission also seeks comment on what, if any, restrictions should be placed on the manner in which LECs allocate the limited number of codes if demand exceeds supply. The Commission tentatively concludes that LECs should not be subject to any additional restrictions on how they allocate these codes, as Section 202(a) of the Communications Act already prohibits carriers from granting

undue preferences or engaging in unreasonable discrimination. Thus, the Commission tentatively concludes that LECs should be permitted to select any reasonable allocation mechanism.¹⁴

BellSouth concurs in each of the above tentative conclusions reached by the Commission. As previously argued by BellSouth in a number of letters submitted to the Commission in connection with BellSouth's N11 Petition, prior decisions of the Commission and the court support these tentative conclusions.¹⁵

H. Assignment Preferences

The Commission also seeks comment on whether LECs should be permitted to grant a preference to parties that propose innovative ways of using the telephone companies network.¹⁶

The question of whether to grant such a preference in the assignment of limited public resources such as N11 codes is a matter that should be determined by appropriate regulatory authorities, not by LECs. This is why BellSouth presented the Commission in BellSouth's N11 Petition with the question of whether Cox Enterprises should be awarded a preferential assignment of an N11 code in the Atlanta

¹⁴ NPRM at para. 16.

¹⁵ Letters from David J. Markey, Vice President - Federal Regulatory Affairs, to The Honorable Alfred C. Sikes, dated March 24, 1992 and April 10, 1992.

¹⁶ NPRM at para. 16.

calling area based on public policy reasons. While BellSouth does not object to such an assignment if the Commission determines it is appropriate, that is a judgment which should be left to regulators and not LECs.

I. One N11 Code Per Entity Per Local Calling Area Restriction

The Commission seeks comment on whether carriers should be permitted or required to limit customers to one N11 code in each local calling area.¹⁷

As a matter of competitive equity and fairness, this should be a requirement. Such a requirement will have the tendency to promote competition and diversity in the information services market segment, which is consistent with the Commission's pro-competitive policies and the public interest.

J. Role Of State Regulators

The Commission also asks what role, if any, state regulators should have in the allocation of N11 numbers in the event demand exceeds the available supply of such numbers.¹⁸

State regulators should be allowed to exercise oversight jurisdiction, consistent with the limits of dual jurisdiction under the Communications Act, to determine whether the allocation methodology chosen by the LEC to

¹⁷ Id.

¹⁸ NPRM at para. 17.

assign N11 numbers to be used with state tariffed abbreviated dialing service arrangements is conducted in a reasonable and nondiscriminatory manner under state public utility law. Furthermore, state regulators should also have, consistent with the limits of dual jurisdiction under the Communications Act, authority to determine whether public policy reasons in a particular case warrant the granting of a preferential assignment where the N11 numbers are to be used with a state tariffed abbreviated dialing service and demand for such service codes exceeds supply.

K. Potential For Customer Confusion

Finally, BellSouth concurs in the Commission's tentative conclusion that the use of N11 codes for information services will not result in customer confusion. As noted in the NPRM, consumers are already quite familiar with the use of 411 and 911 for non-information services, and have not evidenced confusion regarding such uses. Furthermore, the potential for customer confusion can be further reduced by adopting a standard local exchange abbreviated dialing service offering, such as the three-digit local calling service proposed by BellSouth.

III. CONCLUSION

For the above stated reasons, the Commission should adopt the tentative conclusions reached in the NPRM, as modified herein.

Respectfully submitted,

BELLSOUTH CORPORATION and
BELLSOUTH TELECOMMUNICATIONS, INC.

By: Thompson T. Rawls II
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DATE: June 5, 1992

Exhibit 1

II b

IILC ISSUE IDENTIFICATION FORM

Issue Title: Local Calling Area
Abbreviated Dialing Access
To Information and Enhanced
Services

Resolution Date: _____
Issue # _____ 036
Date Submitted: _____
IAG Review Date: _____
IILC Adoption Date: _____

1. DESCRIPTION OF REQUESTED SERVICE:

Multiple ESPs have requested local calling area abbreviated dialing access to their enhanced or information services utilizing less than the seven digits required by the North American Numbering Plan Administration (NANPA) and BOC Notes on the LEC Networks - 1990. Requesters have asked for various dialed combinations including three digit access (N11, NXX), vertical service codes (*XX, **), and possibly other code combinations *including 8 and 20 local calling lists*

2. SUGGESTED RESOLUTION OR OUTPUT:

- Identify and describe the ESP's functional network requirements.
- Identify critical technical and operational issues.
- Identify relevant public policy issues.
- Establish appropriate network technical standards liaisons.
- Identify appropriate in-place and/or planned network technical options.
- Develop recommendations *at process* for addressing identified issues.
- Recommend preferred *dialing method* ~~access methods~~ for switch vendors to develop.

3. OTHER IMPACTS:

4. ISSUE CO-CHAMPION/ORIGINATOR:

ISSUE CO-CHAMPION:

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5. FINAL RESOLUTION

(4/17/92) ww

*Changes were negotiated
from the floor.*